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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

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|---------------------------------|---|-----------------------|
| IN THE MATTER OF THE LICENSE OF | : | Administrative Action |
| | : | |
| BARRY SPILLER, LPN | : | |
| License No. 26NP05268900 | : | CONSENT ORDER |
| | : | |
| TO PRACTICE NURSING IN THE | : | |
| STATE OF NEW JERSEY | : | |
| | : | |

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of a petition from Barry Spiller ("Respondent") seeking to reinstate his nursing license. By Consent Order filed August 20, 2015, Respondent's license to practice as a Licensed Practical Nurse (LPN) was suspended for three months and until he could demonstrate that he was fit and competent to practice, and the Board's designated intervention program (the Recovery and Monitoring Program (RAMP)) supported his reinstatement.

In his petition for reinstatement, Respondent discusses his continued involvement with RAMP, including abstinence from alcohol, attending AA meetings, checking-in on a daily basis, undergoing random screenings, attending peer group meetings, and timely submitting required reports. RAMP reports that Respondent is compliant with the program and supports the reinstatement of Respondent's license with continued participation in the program.

The Board finds that, as a condition for reinstated and continued licensure, testing, monitoring, and treatment are required to evaluate whether Respondent's practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f) and to ensure that Respondent can properly discharge licensee functions pursuant to N.J.S.A. 45:1-22(e).

The Board finding that the within Order is sufficiently protective of the public health, safety and welfare, in lieu of further proceedings, and for other good cause shown;

IT IS on this 13th day of May, 2016

HEREBY ORDERED AND AGREED that:

1. Respondent's petition to reinstate his license to practice as a Licensed Practical Nurse in the State of New Jersey shall be granted after Board review and approval of a

reinstatement application, including fees, continuing education, and a criminal history background check, if required.

2. Respondent shall continue in and comply with all of the terms and conditions of participation in the RAMP program. Respondent shall cause RAMP to inform the Board in writing if Respondent is non-compliant with, or is terminated from or resigns from further participation in the program together with the reason for and complete documentation of the non-compliance, termination and/or resignation. Notification of the Board shall be within 24 hours of determination of non-compliance, termination or resignation, or as soon thereafter as is practicable. Respondent shall provide RAMP with a complete copy of the within Order.

3. Respondent shall follow the recommendations by RAMP and/or the evaluator for further treatment and/or lengthier enrollment in RAMP. Respondent shall limit his nursing practice, if recommended by RAMP, which may include Respondent placing his license in inactive status.

4. Respondent shall provide a release to RAMP allowing RAMP to provide pertinent reports, records and other information pertaining to Respondent to the Board. Respondent's signature on this order signifies Respondent's waiver of any right to

confidentiality with respect to these matters between Respondent, RAMP, and the Board, and Respondent's agreement that the Board may utilize any such reports, records and other information it receives from RAMP in any proceeding regarding Respondent's licensure and that the Board may release any pertinent information in its possession to RAMP.

5. Respondent shall refrain from the use of any and all potentially addictive substances, including alcohol, except as prescribed by an authorized health care practitioner who is made aware of Respondent's substance use history and the Board's requirement that Respondent participate with RAMP. Respondent shall report any such use to RAMP in writing within five days of receiving such a prescription together with the name of the prescribing health care practitioner, the name of the drug, the quantity, frequency, expected length of use and reason for its use.

6. Respondent shall attend regular 12 step support group meetings or the equivalent, and nurse peer support group meetings, as required by RAMP. He shall attend individual counseling and psychiatric treatment until successful discharge, if required by RAMP.

7. Respondent shall submit to random observed urine and

or hair screens if and as required by RAMP. Respondent's failure to submit to or provide a urine or hair sample when requested shall be deemed to be a violation of the terms of this Order. All screens shall be negative for the presence of drugs, unless the drugs detected by screening were properly taken pursuant to a valid prescription from a health care practitioner aware of Respondent's substance abuse history, if applicable.

8. Respondent shall be responsible for all costs of urine and/or hair screens, enrollment/participation fees associated with RAMP, and/or further treatment and monitoring, if applicable.

9. Respondent shall work only in settings approved by RAMP, and shall have access to or responsibility for administering, dispensing or ordering potentially addictive substances in the course of his employment, only if approved by RAMP. Respondent shall not work more than 12 hours (excluding any additional time needed to meet documentation requirements) within any 24 hour period nor more than 40 hours per week (excluding any additional time needed to meet documentation requirements), unless approved by RAMP.

10. Respondent shall provide to RAMP any and all reports required pursuant to his RAMP contract, including reports from

his employer or self-evaluation reports.

11. Respondent shall notify RAMP within 10 days of any change of address, or any termination, resignation or leave of absence from any place of nursing employment.

12. Respondent shall immediately inform each employer representative and nursing supervisor of the terms of this Order and provide them with a copy of the Order. Respondent shall ensure that each employer representative and nursing supervisor provides written notification on facility letterhead to RAMP acknowledging receipt of a copy of the within Order and its terms.

13. Respondent shall not engage in deceptive practices that are material to the functioning of RAMP, such as altering samples, working as a nurse while not authorized by RAMP to do so, working as a nurse without disclosing such employment to RAMP, which deceptive practices shall be considered a violation of this Order.

14. Respondent shall remain in RAMP until successful completion of or release from the program. Upon successful completion of RAMP, Respondent shall notify the Board in writing. Respondent may then be released from the requirements of this Order by further order of the Board. Unless Respondent

has successfully completed or been released from RAMP, and received an order from the Board that he is released from the requirements of this Order, Respondent may not modify the conditions of this order without submitting a written petition to the Board providing a detailed explanation of the basis for the modification request, and must then enter into a new, modified agreement with the Board in the event the Board grants Respondent's petition for modification.

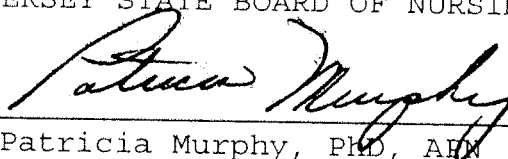
15. Respondent shall obey all of the laws of the State of New Jersey, the United States and their political subdivisions as well as all regulations, rules or laws pertaining to the practice of nursing in the State or jurisdiction in which he practices nursing. Respondent shall report to the Board within ten (10) days any arrest, indictment or conviction for any crime or disorderly persons offense.

16. Any deviation from the terms of this Order without the prior written consent of the Board shall constitute a failure to comply with the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any term of this Order, Respondent's license may be automatically suspended by the Board. Respondent, upon notice, may request a hearing to contest the entry of such an order. At any such

hearing the sole issue shall be whether any of the information received regarding Respondent was materially false. In addition, the Board reserves the right to bring further disciplinary action.

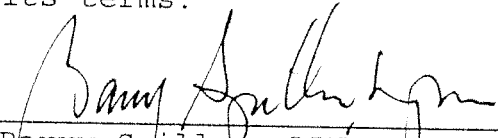
NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Murphy, PhD, APRN
Board President

I have read and understand
the within Consent Order
and agree to be bound by
its terms.



Barry Spiller, LPN
License # 26NP05268900